

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

EARNEST E. VARNADO, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 3:11cv222-LRA

PIKE COUNTY SHERIFF OFFICIALS, ET AL.

DEFENDANTS

ORDER OF DISMISSAL

THIS CAUSE is before the Court *sua sponte*. The Court has attempted to conduct a jury trial in this case but has been unable to contact Plaintiff Varnado since his release from prison. On February 20, 2013, the Court directed Plaintiff to inform the Court in writing before March 15, 2013, as to whether he wished to proceed in this litigation. This Order was sent to the last address given to the Court, SMCI, P. O. Box 1419 Leakesville, MS 39451. The Order was returned as undeliverable, marked “no longer at this institution,” on March 1, 2013. The Mississippi Department of Corrections website no longer lists Varnado as an inmate in its system. Varnado was advised when he filed this lawsuit that it was his responsibility to provide the Court with his current address and that the failure to do so could result in the dismissal of his case.

This Court has the authority to dismiss an action for failure of a Plaintiff to prosecute or to comply with any order of the Court both under FED. R. CIV. P. 41(b) and under its inherent authority. *See McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-631 (1962). The Court must be able to clear its calendars of cases that remain dormant because of the inaction or dilatoriness of the parties

seeking relief, so as to achieve the orderly and expeditious disposition of cases. Such a sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the court. *Link, supra*, 370 U.S. at 630. The actions of Plaintiff also prejudice the rights of Defendants to promptly and fully defend the claims made against them.

For these reasons,

IT IS, THEREFORE, ORDERED that the Complaint filed by Plaintiff Varnado is dismissed without prejudice pursuant to FED. R. CIV. P. 41(b). The Clerk is directed to terminate all pending motions and to close this case.

SO ORDERED, this the 19th day of March, 2013.

____s/ Linda R. Anderson_____
UNITED STATES MAGISTRATE JUDGE